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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Erwin Manschitz, et al  
SERIAL NO.: 09/653,177  
FILED: September 3, 1999  
FOR: Switching Device for Multifunctional Hand-Held Machine Tool

EXAMINER: Ramon M. Barrera GROUP: 2832

Commissioner for Patents  
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**ELECTION**

Sir:

In response to the Examiner's requirement for restriction dated June 18, 2003 and setting forth a one-month period for response in which the Examiner requests that a restriction be made to one of the following species:

- I. Fig. 1 : Hall effect
- II. Fig. 1 : Shifting light source
- III. Fig. 1 : Shadow element between light source and detector

IV. Fig. 2 : Hall effect

V. Fig. 2 : Shifting light source

VI. Fig. 2 : Shadow element between light source and detector

VII. Fig. 3 : Hall effect

VIII. Fig. 4 : Hall effect

IX. Fig. 4 : Shifting light source

X. Fig. 4 : Shadow element between light source and detector

XI. Sliding key actuating element (not shown) : Hall effect

XII. Sliding key actuating element (not shown) : Shifting light source

XIII. Sliding key actuating element (not shown) : Shadow element between light source and detector

Applicants elect with traverse with respect to Group I, Fig. 1: Hall effect, for further prosecution on the merits. Claims 1, 2, 6, 8 and 12 read on the embodiment of Fig. 1.

### Traverse

The Examiner's requirement for restriction between the species depicted in Group I and Groups II-XIII is respectfully traversed.

Such groups relate to the same inventive concept and rely primarily on the same basic novel features for their patentability. The principle of the invention is to provide a multifunctional hand-held tool machine with a switching means (Hall sensor or optical-electronic switch) for deactivating a certain mode (sub-routine in a program) if one specific function (chiseling) is selected while keeping said certain function (sub-routine) active in another mode (drilling). The objective is based on the idea of changing over the selection of the processing mode, which is done manually by the user moving a mechanical turning knob, a sliding key or the like, into a suitable path displacement and transforming this path displacement by a bistable switch, comprising two mutually movable elements, into digital information, by which the electrical system function, appropriate for the operating mode in question, is selected.

In the examples of the invention the bistable switch element could be a Hall sensor switch activated by a permanent magnet. Alternatively, for many

applications with particularly confined space relationships the bistable switch elements could be replaced by a switch, such as an optical-electronic switch, which can be energized by electromagnetic radiation. In such a case, the permanent magnet can be replaced by a very small semiconductor light source which, when the changeover device is actuated, can be shifted relatively to an assigned photoelectric detecting and switching element.

Furthermore, in another modification, it may be of advantage if the Hall sensor switch is replaced by a permanently installed opto-electronic component. In such a case, the permanent magnet can be replaced by a shadowing element in the form of a platelet or diaphragm element, which protrudes on the inside of the rotary switch and, when the "chiseling" mode of operation is selected, stands in a light path gap between a light source and a photoelectric detection element and, by these means, interrupts the light path between the emitter and detector.

The search of prior art for such groups and the claims that read thereon would and should clearly be so co-extensive for the search to be complete. The distinctions between the groups and the claims that read thereon reside in the mechanical arrangements of different components that are used to produce substantially the same result, the principle discussed above.

In view of the above it is respectfully requested that the restriction requirement be withdrawn, and an action on the merits with respect to those claims be issued.

Respectfully submitted,



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Dated: July 16, 2003  
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on, DC 20231 on July 16, 2003.

